

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

MINUTES OF MEETING

October 14, 2009

Board of Supervisors Chambers
Martinez, CA

1. Chair Gayle Uilkema called the meeting to order at 1:30 p.m.
2. The Pledge of Allegiance was recited.
3. Steve Weir, Contra Costa County Clerk-Recorder, administered the oath of office to Sharon Burke, newly appointed Contra Costa LAFCO Public Alternate Member, after which she took her place at the dais in place of Public Member McNair, who was absent.
4. Roll was called. A quorum was present of the following Commissioners:
City Members Helen Allen and Rob Schroder and Alternate Don Tatzin.
County Members Gayle Uilkema and Alternate Mary Piepho.
Public Alternate Member Sharon Burke.
Special District Members Dwight Meadows And David Piepho and Alternate George Schmidt.
Present were Executive Officer Lou Ann Texeira, Legal Counsel Silvano Marchesi, and Clerk Kate Sibley.
5. Approval of the Agenda
Upon motion of D. Piepho, second by Schroder, the agenda was adopted.
6. Public Comments
There were no public comments.
7. Approval of September 9, 2009 Minutes
Upon motion of Schroder, second by Meadows, the minutes for the September 9, 2009 meeting were approved, with D. Piepho abstaining.
8. Green Valley Recreation and Park District (GVRPD) Sphere of Influence (SOI) Update
The Executive Officer provided a brief background on Green Valley Recreation and Park District (GVRPD) noting history, services, operations and funding, recent boundary activity, along with the Municipal Service Review (MSR) findings, including governance and SOI options. It was noted that in July of 2008 the District's SOI was expanded in anticipation of a future annexation application. In August of 2008 the Commissioners approved an MSR for this District, which identified a number of issues that the District needed to address, along with governance and SOI options. At that time, the Commissioners deferred action on the SOI update in order to give the District time to address these issues and research governance options. In July of 2009 the District withdrew its annexation application.
Blythe Soria, GVRPD Board Member, stated that in July 2009 she made an informational presentation to the Commission on GVRPD's progress and governance options. She noted that GVRPD board members have been in contact with other private pool associations, and she has spoken with an attorney about creating a homeowners' association (HOA). Both of these options are difficult. The GVRPD pool is 1/3 the size of the private pools, which are competition-sized and can afford to charge much higher fees for their use. An HOA would

need 100% support from all of the homeowners in the District, which would most likely be impossible. She noted that the LAFCO staff option of merging with CSA R-7 cannot be fully explored until the Alamo Municipal Advisory Committee (which will advise on CSA R-7) is appointed; time may not allow the GVRPD to wait that long. She commented that a LAFCO vote at this time to dissolve the District would most likely result in the closure of the pool.

Soria introduced community members, many of whom have written letters and taken time out of their weekday schedules to attend the LAFCO meeting. A PowerPoint presentation was then shown.

In response to questions from Commissioners, Soria noted that there are 405 parcels in the District, and approximately 120 pool members, not all of them from the District. Soria also confirmed that, while pool fees are lower for District households, they cannot use the pool without paying the membership despite paying taxes in support of the District. All non-pool events, however, are open to all at no extra fee.

The following speakers, all residents of the District or members of the pool, spoke in support of allowing GVRPD to keep its status as an independent special district:

- Michael Sharrock (can use without adult accompaniment due to its proximity, fun BBQs and movie nights)
- Christine Sharrock (family-oriented, community anchor)
- Dave Johnson (in law enforcement, sees pool's good effects in crime prevention, strong community center)
- Eleanor Parker (powerful community safety web)
- Jenna Biglow (not in District, but is member for "old-style" benefits pool brings for kids and self)
- Terry Lane (Alamo resident with 8-year-old son, family uses pool but also knows value of pool's location adjacent to schools providing parking and pedestrian ease for access to schools)
- Lisa Lane (not broken, nothing to fix)
- Jessica Dillingham (lives outside District, loves the pool)
- Kyra Stockton (when seeking a house to purchase, presence of pool helped close the deal, kids learn importance of community involvement)
- Tracy Smyth (kids learned to swim here, pool and park are a safe haven in the neighborhood, community center)
- Sue Hall (kids need the safety and community interaction provided by the pool, not everyone in the area has a pool in their backyard)
- Elen Ormsby (as houses in the District sell, taxes rise three to four times, which will provide more revenue for the GVRPD, which provides the real estate benefit of the pool in the neighborhood)
- Mike Jacobs, with his son (this is all about the kids, pool is a great place to come)

Burke pointed out that sustainability is a concern for GVRPD; membership decreased 15% this year; if it declines another 15%, that will be an issue.

The Chair closed the public hearing and returned the item to the Commissioners for further discussion. The point was made that GVRPD is not an appropriate special district, and

would never be formed today. It needs to find another operational option or appropriate form of government

Upon motion of Allen, second by Uilkema, the Commissioners voted by roll call to reduce the expanded GVRPD SOI to coincide with the existing service boundary.

Upon motion of Uilkema, second by Schroder, the Commissioners amended the previous motion by setting a two-year deadline for GVRPD to return to LAFCO with a status report and other governance options.

AYES: Allen, Burke, Meadows, Schroder, Uilkema

NOES: D. Piepho

ABSTAIN:

ABSENT: Glover, McNair

9. Fire and Emergency Medical Services MSR/SOI Updates

The Executive Officer provided a brief overview and chronology of the Fire and Emergency Medical Services MSR process, including Commission and Fire Committee meetings held to date, prior acceptance of the MSR report, and deferral of SOI updates. The Fire Committee last met on October 7 to revisit governance and SOI options and discuss sub-regional and regional issues.

Commissioner Allen, Fire Committee Chair, offered additional comments regarding the Fire Committee actions.

Commissioner Uilkema drew the Commission's attention to the revised table of SOI update recommendations agreed to by the Fire Committee, all of which can be considered "clean-up" actions correcting various district SOIs. Commissioner Meadows questioned the SOI adjustments and tax implications of transferring the Roddy Ranch area from the East Contra Costa FPD to ConFire. Staff explained that the City of Antioch, which is in ConFire's jurisdiction, annexed Roddy Ranch, so that area should have been shifted to ConFire at the time of the annexation. Following brief discussion by Commissioners, the Chair opened the public hearing.

Steve Cohn, resident of Orinda, encouraged the Commissioners to pass the recommendation for Moraga-Orinda Fire District (MOFD).

John Wyro, MOFD Board Chair, also urged passage of the MOFD recommendation.

Upon motion of Schroder, second by Burke, the Commissioners adopted all staff recommendations regarding governance structure options and Sphere of Influence (SOI) actions for Contra Costa County Fire Protection District (CCCYPD), East Contra Costa Fire Protection District (ECCYPD), Moraga-Orinda Fire District (MOFD), San Ramon Valley Fire Protection District (SRVYPD), and County Service Area EM-1. Commissioner Meadows voted no.

Upon motion of Allen, second by Burke, the Commissioners approved SOI resolutions for CCCYPD, ECCYPD, MOFD, SRVYPD, and CSA EM-1, determined that the SOI updates are categorically exempt under Section 15061(b)(3) of the CEQA Guidelines, and directed staff to file a Notice of Exemption. Commissioner Meadows voted no.

Commissioner Allen introduced the subject of the Fire Committee's three additional recommendations, regarding an East County Fire Committee, a West County Task Force on Fire Service, and a Countywide workshop to address regional fire consolidation, governance and fiscal issues. She is concerned that the recommendations for the regional committees do not reflect the fact that the firefighters (union representatives) say they have not been invited to participate in either of the committees, and a LAFCO representative is not part of either regional committee. Other members of the Fire Committee echoed some of Allen's concerns, pointing out the difficulties of tracking progress if a LAFCO representative is not present.

The Chair opened the public hearing.

Vincent Wells, Local 1230 President, pointed out that LAFCO does not yet know who makes up the East County Fire Committee and that it was previously suggested that Commissioner McNair chair and Pinole Fire Chief Jim Parrott coordinate the West County group. Wells expressed concern that the new West County committee has not yet involved Locals 1230 and 188.

Victoria Smith, City of Orinda Councilmember, stated that the City opposes countywide consolidation efforts; however, the City would be happy to share its experience and expertise in the MOFD.

John Wyro, MOFD Board Chair, stated that his district is willing to share ideas and participate in discussions, but opposes countywide consolidation.

Richard Voisey, Local 1230 representative, agrees that a workshop is needed, and that the system Countywide needs fixing; a breakdown in the system in one part of the County will affect every area.

The Chair closed the public hearing. Commissioners discussed the options of the two regional committees (East and West) and a Countywide workshop.

Upon motion of Allen, second by Burke, the Commissioners voted to explore hiring a facilitator, make the workshop informational and educational, solution-driven, and an opportunity to further discuss fire service issues. Commissioner D. Piepho voted no.

Commissioner M. Piepho suggested asking Alameda County Retired Alameda County Fire Chief McCammon to serve as facilitator; Commissioner D. Piepho also suggested current Alameda County Fire Chief Gilbert as another option. Further discussion ensued regarding logistics and timeline for holding the workshop.

Upon motion of Uilkema, second by Schroder, the Commissioners, by roll call, voted to schedule the workshop within 30-45 days after the holidays (by February 15).

AYES: Burke, Meadows, Schroder, Uilkema
NOES: D. Piepho
ABSTAIN: Allen
ABSENT: Glover, McNair

10. Central County Sub-Regional MSR/SOI Updates

The Executive Officer provided a brief overview and chronology of this MSR process. Due to concerns with several city SOIs (i.e., Danville, Martinez, San Ramon and Walnut Creek), the Commissioners deferred action on these.

Staff reported that after discussion with the Martinez city staff, only the wetlands to the far north of the city should be removed from the SOI.

As for Walnut Creek, due to that City's inclusion of an area in its North Gate Specific Plan and the City's desire to possibly pursue future annexation for recreation and open space, that area should be kept in the SOI. Other small areas nearby are recommended for removal from the SOI.

Both the Danville and San Ramon SOI updates have been deferred until after those cities can meet, along with County staff, to discuss areas of mutual concern.

Julie Pierce, City of Clayton Mayor, thanked the Commissioners for their consideration of the city's SOI.

Andrew Smith, representing the City of Walnut Creek, thanked the Commissioners for consideration of their SOI.

Upon motion of Allen, second by Meadows, the Commissioners unanimously approved SOI resolutions for the cities of Clayton, Concord, Lafayette, Martinez, Moraga, Orinda, Pleasant Hill, Walnut Creek, and Diablo Community Services District, determined that the SOI updates are categorically exempt under Section 15061(b)(3) of the CEQA Guidelines, and directed staff to file a Notice of Exemption.

Commissioner Uilkema congratulated staff on accomplishing this MSR and related SOI updates, acknowledging that it is no easy task.

11. Reclamation Services MSR/SOI Updates

The Executive Officer provided an overview and chronology of this MSR and related SOI options and recommendations.

The Chair opened the public hearing.

Joe Darden, property owner on the Veale Tract (RD 2065), is concerned with recommendations regarding RD 2065; and feels that LAFCO should make its recommendation for consolidation stronger but extend the deadline for compliance to two years in order to give the District ample time to demonstrate that they can operate within the laws governing the District.

Commissioners discussed the letter from Dante Nomellini Jr., who represents reclamation districts throughout the Delta, including several in Contra Costa County. The letter noted that if reclamation districts are dissolved, and an emergency occurs (i.e., breaching of a levee), it would be more difficult to respond without a formal governmental agency structure in place.

Joe Darden responded that a majority of the funds supporting reclamation districts' work on levees comes from the State subvention fund: in regular years they receive 75% of their funds from this; in emergency situations, 90%; and in special situations they would receive 100% of funds needed to respond. If a district is dissolved or consolidated with another, they would still be watched, which is important for keeping them in line in service to the public.

Some Commissioners are concerned that dissolving reclamation districts will make it impossible for them to respond to emergencies, and to receive emergency funds in such cases.

At approximately 5:00, Commissioner Allen departed and was replaced on the dais by Alternate Tatzin.

Tom Bloomfield, General Manager for RD 2121, acknowledged that his district has been inactive and doesn't cost the County a nickel; it is wholly family-owned. He stated that he had not previously been contacted by LAFCO. His district does not want to merge with any other district; and that is the case with others as well. He would prefer to retain the status quo for his district.

Staff responded that representatives of Burr Consulting (Bruce Baracco and Alex Herbert-Brown) had in fact contacted each district and had received written information from each district. RD 2121 is at this time not operating as an independent special district; thus, the recommendation to adopt a zero SOI and direct LAFCO staff to work with the district to initiation dissolution.

Commissioner D. Piepho asked Bloomfield if his district could once again become active in order to meet the requirements of an operating independent special district. He responded that they would do whatever is required to remain in operation.

Commissioner Uilkema would like to know whether an inactive district can apply for emergency funds. Commissioner M. Piepho suggested that perhaps staff should bring back the reclamation district report to refresh Commissioners on the status and recommendations on the districts. There was consensus among Commissioners on this request, and Commissioner Meadows requested special attention also be given to RD 2137 at that time.

Further action was deferred to the November meeting, at which time a refresher will be provided.

12. CALAFCO Business

The Executive Officer explained that CALAFCO has asked all LAFCOs to discuss, in advance of the Annual Conference, the memorandum outlining a proposal to establish a regional structure for CALAFCO. There is no action needed on this; CALAFCO simply wants Commissioners to have an opportunity to provide at the annual meeting..

Commissioners continue to question the viability and usefulness of such a structure, and see no benefit for either this LAFCO or the region. CALAFCO represents the various LAFCOs very well on a statewide basis, but the definition of "region" would perhaps define a final response to the proposal.

It was agreed that Commissioners attending the annual meeting would take notes and report back to the Commission for further discussion as necessary.

13. First Quarter Budget Report

Upon motion of Uilkema, second by Burke, the Commissioners unanimously received the FY 2009-10 first quarter fiscal report.

Commissioner M. Piepho asked why the County's payment is still outstanding. Staff reported that the payment has been requested several times; it is certain to show up soon.

14. Commissioner Comments and Announcements

Commissioner D. Piepho requested that the Commission address the rotation of members into the LAFCO chair position.

Staff will bring the matter to the Commission in November.

15. Staff Announcements and Pending Projects

Staff drew Commissioners' attention to the pending projects list, the news articles and the legislative update. Because the Governor has signed a number of bills since the agenda packet was mailed, this update is now dated, and the most current report can be found on the CALAFCO website.

Commissioner Uilkema congratulated Commissioner Schmidt and West County Wastewater District, of which he is the current president, on their achievements.

Legal Counsel Silvano Marchesi announced that he will be retiring from the County at the end of this year, and will thus be retiring from his role as legal counsel to LAFCO. He will be handing over his role to Sharon Anderson, who has been working with LAFCO staff on various projects. He stated his pleasure at working with LAFCO for the past four or five years. This will be his last formal meeting.

Commissioner Uilkema thanked him for his efforts, and expressed appreciation for his support and advice.

The meeting adjourned at 5:21 p.m.

Final Minutes Approved by the Commission on November 18, 2009.

AYES: Allen, Meadows, M. Piepho, Schmidt, Schroder, Uilkema

NOES:

ABSTAIN: McNair

ABSENT: Glover (M)

By /s/ Lou Ann Teixeira
Executive Officer